

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
LINDA JARES,

Appellant,

vs.

SPOKANE COUNTY AIR POLLUTION
CONTROL AUTHORITY,

Respondent.

PCHB No. 396

FINAL FINDINGS OF FACT,
CONCLUSION AND ORDER

THIS MATTER being an appeal of a \$25.00 civil penalty for an alleged open-burning violation; having come on regularly for hearing before the Pollution Control Hearings Board on the 16th day of November, 1973, at Spokane, Washington; and appellant Linda Jares appearing pro se and respondent Spokane County Air Pollution Control Authority appearing through James Emicio, deputy prosecuting attorney; and Board member Walt Woodward present at the hearing; and the Board having considered the sworn testimony, exhibit, records and files

1 herein and having entered on the 7th day of December 1973, its proposed
2 Findings of Fact, Conclusion and Order; and the Board having served
3 said proposed Findings, Conclusion and Order upon all parties herein
4 by certified mail, return receipt requested and twenty days having
5 elapsed from said service; and

6 The Board having received no exceptions to said proposed Findings,
7 Conclusion and Order; and the Board being fully advised in the premises;
8 now therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
10 Findings of Fact, Conclusion and Order, dated the 7th day of December,
11 1973, and incorporated by this reference herein and attached hereto as
12 Exhibit A, are adopted and hereby entered as the Board's Final Finding
13 of Fact, Conclusion and Order herein.

14 DONE at Lacey, Washington, this 2nd day of January, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

16 Walt Woodward
17 WALT WOODWARD, Chairman

18 W. A. Gissberg
19 W. A. GISSBERG, Member

20 Mary Ellen McCaffrey
21 MARY ELLEN McCAFFREY, Member

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FINDING OF FACT,
CONCLUSION AND ORDER

This matter, the appeal of a \$25.00 civil penalty for an alleged open-burning violation of respondent's Regulation I, came before the Pollution Control Hearings Board (Walt Woodward, presiding officer) at a hearing in the Public Works Building, Spokane, Washington, at 3:00 p.m., November 16, 1973.

Appellant appeared pro se. Respondent appeared through James Emicio, Deputy Prosecuting Attorney. Ozzie Miller, Spokane court reporter, recorded the proceedings.

Witnesses were sworn and testified. An exhibit was admitted.

EXHIBIT A

1 From testimony heard, exhibit examined and transcript reviewed,
2 the Pollution Control Hearings Board comes to this

3 FINDING OF FACT

4 Appellant concedes that she caused carpet scraps, a prohibited
5 substance, to be thrown on an otherwise legal open fire at South
6 225 Dearborn, Spokane, Spokane County, on April 7, 1973. In this,
7 she concedes, she was in violation of Section 6.01 of respondent's
8 Regulation I. She states that she and her husband have been
9 unemployed and on welfare for a protracted period and that she had
10 the scraps added to the fire to avoid the cost of hauling them to an
11 authorized dump.

12 From this finding, the Pollution Control Hearings Board comes
13 to this

14 CONCLUSION

15 The only issue in this matter is the \$25.00 civil penalty invoked
16 for the above violation. The penalty, being one-fifth of the
17 maximum allowable amount, is reasonable.

18 Appellant says she regrets the violation, does believe in supporting
19 air pollution regulations and promises not to commit a similar violation
20 again.

21 Therefore, the Pollution Control Hearings Board issues this

22 ORDER

23 The appeal is denied, but the \$25.00 civil penalty is remanded
24 to respondent for suspension of the entire amount pending no other
25 similar violations for a period of six months from the date this
26 Order becomes final.

27 FINDING OF FACT,
CONCLUSION AND ORDER

1 DONE at Lacey, Washington, this 7th day of December, 1973.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward
4 WALT WOODWARD, Chairman

5 W. A. Gissberg
6 W. A. GISSBERG, Member

7 Mary Ellen McCaffree
8 MARY ELLEN MCCAFFREE, Member

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27 FINDING OF FACT,
CONCLUSION AND ORDER